App. F. IX-4

Previous References. 1945 (L.B.)

File No. LB 24-45-
Serial Nos. 647

Preserve
NBS
24-XI-61.

Later References.
LB. 34-44-166)
LB 34-44-11

9-10

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 2

Part B for Aug. '45-

SUBJECT

Shimoga District Board's agreement to be entered into with the South Kanara District Board with regard to the maintenance of the Baindur-Belmatti Road, by the South Kanara District Board, for a length of 4 furlongs and ~~(50 yards lying within the jurisdiction of the Shimoga DB subject~~ to the payment by the Shimoga DB not exceeding Rs 165/- p.a. at the end of each official year from 1.7.1944 for a period of five years.

L.7.) Do Re P DB Shimoga District
L 1298/LB 24-45-7
& 25.8.45-

Conveying the approval of Govt, with necessary modifications, to the draft agreement.

28/12/45

8128/4.

From

The Pch., Dist Board, Shimoga Dist.

Letter No. C 14/40-42 dated 5/6/45.

Forwards for the approval of Govt. a copy of the letter received from the Public Prosecutor, Shimoga forwarding a draft agreement to be entered into with the South Kanara Dist Board in regard to the maintenance of the Baindur-Bennalli Road.

Submd for perusal and orders. The earlier reference, are put up

9888 20/6. This will be sent to the Advocate General for opinion

9/7

Law Dept 21/6/45

Cu 22-6-45

Fors. 7356/42-43 a/25.6.45

Forwarded with compliments to the Advocate General in regard to the opinion in regard to the maintainability of the Draft agreement proposed on behalf

9857

B.O.

Secretariat Assistant

Law Dept

H.O. No. 307

No. 30. 10/6 Thomas a/27.6.45

Draft scrutinised & necessary corrections made. C.L. Gowda. A.C. 26/6/45

Cu 26/6/45

8128/L

Subd with a draft letter for approval

WMB 27/6. The Advocate-General has scrutinized the draft agreement

Lawsey for
27 Oct 1945

Maybe approved
as
27.6.45
for
11.7.45

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date 29.6.45
No. 10496.

for Agric
Minister LSG

937
31.7.45

WMB 31/7

Sd 3/8/

2o

TYPING SECTION
4 AUG. 1945
REGD.

Mem. D.B, Shimoga Dist
No L 1298 & 25/8/45
Conveys the approval of Govt. to
the Draft agreement subj. necessary
modifications

B
WMB
1/9

No.C.14/41-42.

Office of the President, District Board,
Shimoga District.
Dated, Shimoga the 31st May 1945.

LD 24—45—6

From

H.S. Rudrappa, Esq., B.Sc.,LL.B.,
President, District Board,
SHIMOGA.

GEN. & REV. SECTION
8128
9 JUNE 1945
L.S.G. BRANCH

To

C. Narayanaswamy Naidu, Esq., B.A.,B.L.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

Sir,

Subject:- Maintenance of Baindur-Bennatti Road by the South Kanara District Board.

I have the honour to state that the Public Prosecutor, Shimoga, who was requested through the Deputy Commissioner, Shimoga, to give advice in the matter of entering into an agreement with the South Kanara District Board, has furnished with his No.316 dated 16-5-1945 a draft agreement to be entered into. I am submitting herewith a copy of the letter received from the Public Prosecutor, Shimoga, for favour of obtaining Government approval in the matter.

I have the honour to be,
Sir,
Your most obedient servant,

H S Rudrappa

President,
District Board, Shimoga.

Letter No.To No.316, dated 16th May 1945, from the Public Prosecutor Shimoga, to the President, District Board, Shimoga.

With reference to your letter No.C.14/41-42 dated 16-1-1945 received through the Deputy Commissioner, Shimoga, I have the honour to return herewith the entire file of papers in original received from the Deputy - Commissioner, Shimoga, with his Memo No.52.69D.B./44-45 dated 19-1-1945 and to state that I have also enclosed herewith a draft agreement and I hope it is all right.

The agreement is, under S.36 of the District Board Act, to be signed by the President and two members of the District Board on behalf of Shimoga District Board and sealed with the common seal of the District Board and the said agreement will have to be signed and sealed by the South Kanara District Board in accordance with any special mode prescribed by the Madras Local Board Act.

If it is desired that each Board should have copy of the agreement, it should be executed in duplicate, either party signing one of the duplicates and such duplicates being exchanged.

"Copy"

PRESIDENT.

SHIMOGA DISTRICT BOARD.

*****

AGREEMENT.

~~This~~ Agreement ~~is~~ made on the 5th day of May 1945 Between the District Board, South Kanara, hereinafter called the "South Board", of the one part, And the District Board, ~~of~~ Shimoga, hereinafter called "the Shimoga Board", of the other part.

Whereas the South Board has agreed to maintain the portion of the Road - Baindur Nagody Bennette Road in miles 24/1 to 24/4 passing through the Shimoga Board area for a length of four furlongs 154 yards for a period of five years beginning from the year 1944-45 on terms and conditions hereinafter appaaring;

And whereas by a Resolution No. passed at a meeting of the South Board neld on it was resolved by the South Board to enter into an agreement on the terms and conditions hereinafter ~~to be mentioned~~ set forth with the Shimoga Board and that a deed embodying the terms of the aforesaid agreement for the maintenance of the said portion of the Road be drawn up and executed by the South Board;

And whereas the Government of Madras have sanctioned the said Resolution of the Board in their Order No. dated

And whereas by ~~the~~ Resolution No. ~~of the Shimoga Board~~ passed at a meeting of the Shimoga Board neld on it was resolved that the Shimoga Board may enter into the aforesaid agreement on the said terms and conditions and that a deed embodying the terms of the aforesaid agreement for the maintenance of the said portion of the road ~~for a period~~ [cancelled] ~~of five years beginning~~ from the year ~~1944-45~~ by the Shimoga District Board be drawn up and executed by the Shimoga Board;

And whereas the Government of Mysore have in their order No. dated sanctioned the said Resolution of the Shimoga Board;

Now These Presents witness ~~and~~ that the parties have ~~hereto hereby mutually~~ agreed as follows:-

(1) That the Shimoga Board will pay a sum not exceeding Rs. 165/- (One hundred and sixtyfive) annually by the end of each official year beginning

[Note - The Br. Indian year is from 1st Apr. to 1st Apr.]

beginning from the ~~year~~ 1st of July 1944 [Sic.] ~~45 till the end of 1948-49 (for a period of five years)~~ to the South Board towards the cost of maintenance by the South Board of the portion of Baindur Nagodi (Bennette) Road No. 21 lying within the jurisdiction of Shimoga Board between miles 24/1 and ~~to~~ 24/4 ~~miles~~ for a length of four furlongs and 100 yards;

(2) That the actual expenditure incurred ~~under~~ for maintenance in each year (not exceeding a total sum of Rs. 165/- each year) on the basis of payments actually made by the South Board plus 11¼ per centage charges will be paid by the Shimoga Board to the South Board at the end of each year on bills furnished by the South Board;

(3) That the South Board will have the right to take earth, clear jungles and do such other acts as ~~will~~ may be found necessary for road maintenance within a distance of 66 feet on either side of the centre of the road:

(4) That the Shimoga Board shall not levy any tolls or tax in this length of the Road;

(5) That this agreement will be in force for a period of five years beginning from the ~~year 1944-45.~~ 1st July 1944

In witness whereof the parties hereto have signed this agreement on the dates respectively mentioned against their signatures and sealed with the common seals of the Respective Board.

"Copy"
Illegible
President, District Board, Shimoga
AG.

Scrutinised & necessary corrections made. C. L. Gowda
A.G. 25-6-45

25/8145

G. R. S. App. F. G. 3.

L-1298- LB 24-45-7

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

Cwel
To

The P: D. B, Shimoga Dist
thro' the D.C

Sir,

With reference to your letter no C 14/41-42 dated 5/6/45 forwarding for the approval of Govt a copy of the draft agreement to be entered into with the South Kanara District Board in regard to the maintenance of the Baindur-Bennalli Road I am directed to convey the approval of Govt to the draft agreement in question, after necessary modifications

A copy of the draft agreement as modified

(Type a copy of the plan "O")

WD 0522—GPB—7,500—16-2 37

Modified is enclosed h--

for reference

Yours etc

John Adderley Dow

Secy to Mr. 3/8/45

Law Dept

SHIMOGA DISTRICT BOARD.

A G R E E M E N T.

Agreement made on the 5th day of May 1945 between the District Board, South Kanara, hereinafter called the "South Board" of the one part, and the District Board, Shimoga, hereinafter called the "Shimoga Board" of the other part.

Whereas the South Board has agreed to maintain the portion of the road - Baindur Nagody Bennette Road in miles 24/1 to 24/4 passing through the Shimoga Board area for a length of four furlongs 154 yards for a period of five years beginning from the year 1944-45 on terms and conditions hereinafter appearing;

And whereas by resolution No. passed at a meeting of the South Board held on it was resolved by the South Board to enter into an agreement on the terms and conditions hereinafter set forth with the Shimoga Board and that a deed embodying the terms of the aforesaid agreement for the maintenance of the said portion of the Road be drawn up and executed by the South Board;

And whereas the Government of Madras have sanctioned the said resolution of the Board in their Order No.
dated

And whereas by resolution No. passed at a meeting of the Shimoga Board held on it was resolved that the Shimoga Board may enter into the aforesaid agreement on the said terms and conditions and that a deed embodying the terms of the aforesaid agreement for the maintenance of the said portion of the road by the Shimoga District Board be drawn up and executed by the Shimoga Board;

And whereas the Government of Mysore have in their order No. dated sanctioned the said resolution of the Shimoga Board;

Now these presents witness that the parties have agreed as follows:-

(1) That the Shimoga Board will pay a sum not exceeding Rs.165/- (one hundred and sixtyfive) annually by the end of each official year beginning from the 1st of July 1944 to the South Board towards the cost of maintenance by the South Board of the portion of Baindur Nagodi (Bennette) Road No.21 lying within the jurisdiction of Shimoga Board between miles 24/1 and 24/4 for a length of four furlongs and 150 yards;

(2) That the actual expenditure incurred for maintenance in each year (not exceeding a total sum of Rs.165/- each year) on the basis of payments actually made by the South Board plus 11¼ per centage charges will be paid by the Shimoga Board to the South Board at the end of each year on bills furnished by the South Board:

(3) That the South Board will have the right to take earth, clear jungles and do such other acts as may be found necessary for road maintenance within a distance of 66 feet on either side of the centre of the road;

(4) That the Shimoga Board shall not levy any tolls or tax in this length of the Road;

(5) That this agreement will be inforce for a period of five years beginning from the 1st of July 1944.

In witness whereof the parties hereto have signed this agreement on the dates respectively mentioned against their signatures and sealed with the common seals of the respective Board.